

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dany Sylvain
Serial No. 10/028,510
Filed: 12/20/2001
For: **COMBINING MULTIMEDIA SERVICES WITH TRADITIONAL TELEPHONY**

Examiner: Tran, Phuc H.
Art Unit: 2616

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO 1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO 1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

In addition to the references cited in the attached PTO Form 1449, the Applicant attaches herewith as Appendix A a copy of an Office Action having a mailing date of August 14, 2007

issued by the Patent Office during the prosecution of U.S. Patent Application No. 10/262,288.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist. The Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). The Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusions regarding the relevance of the cited information.

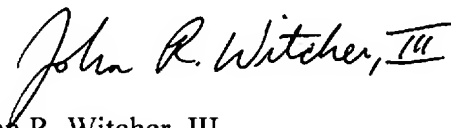
The Applicant includes herein the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-1732.

An early and favorable action is hereby requested.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



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Date: November 6, 2007
Attorney Docket: 7000-089

Appendix A



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/262,288	10/01/2002	Dany Sylvain	7000-197	3878
27820 7590 08/14/2007 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER SAM, PHIRIN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 08/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/262,288

Applicant(s)

SYLVAIN, DANY

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 20-42 are objected to because of the following informalities:

Regarding claim 20-22, 25-29, and 31-41, the word “adapted to” is not accepted. See MPEP under 2111.04 [R-3]. It states that, “Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are: (A) “ adapted to ” or “adapted for ” clauses; (B) “ wherein ” clauses; and (C) “ whereby ” clauses”.

Regarding claims 23, 24, 30, and 42 are objected to because they depend on the objected claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 20-42 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,430,174 (hereinafter referred as “Jennings”).

Regarding claims 1 and 7, Jennings discloses a method of assisting callers using an automated response system, comprising:

- (a) receiving a call from a calling device from a caller (see Figs. 1 and 2a, element 100, col. 4, lines 60-61);
- (b) determining if the caller can receive multimedia content (see Figs. 1 and 2a, element 100, col. 4, lines 66-67, col. 5, lines 1-15, and col. 6, lines 32-37);
- (c) contacting a multimedia capable device associated with the caller (see Figs. 1 and 2a, col. 5, lines 19-25);
- (d) providing to the caller, through the multimedia device, multimedia content related to the automated response system (see Figs. 1, 2a, and 4, col. 5, lines 55-67, and col. 10, lines 23-37).

Regarding claim 2, Jennings discloses receiving a selection from the caller in response to providing multimedia content to the caller (see Fig. 1, col. 5, lines 3-7, 19-25).

Regarding claim 3, Jennings discloses making a voice connection based on the selection from the caller (see Fig. 1, col. 4, lines 66-67, and col. 5, lines 1-15).

Regarding claim 4, Jennings discloses contacting a multimedia capable device associated with the caller comprises contacting a computer associated with the caller (see Fig. 1, col. 5, lines 19-25).

Regarding claim 5, Jennings discloses providing to the caller, through the multimedia device, multimedia content related to the automated response system comprises providing multimedia content through one or more combined user agents (see Figs. 1 and 4, col. 4, lines 60-67, col. 5, lines 1-3, 19-25, and col. 10, lines 23-37).

Regarding claim 6, Jennings discloses determining if the caller can receive multimedia content comprises searching a database (see Fig. 3, elements 308 and 310, col. 9, lines 6-29).

Regarding claim 8, Jennings discloses receiving a non-audible selection from the caller in response to providing multimedia content to the caller (see Fig. 1, col. 4, lines 66-67, and col. 5, lines 1-7, 19-25, 31-35, 55-59).

Regarding claim 9, Jennings discloses accepting audible input from the caller occurs in parallel with receiving the non-audible selection (see Fig. 1, col. 5, lines 30-35).

Regarding claim 20, Jennings discloses a system comprising:

- (a) an interface adapted to facilitate multimedia communications (see Fig. 1, elements 100, 104, col. 4, lines 56-65, and col. 5, lines 30-35);
- (b) a control system associated with the interface and providing a combined user agent, which is adapted to:
 - (b1) receive multimedia content from an automated response system and provide the multimedia content to the caller on a computer (see Figs. 1, 2a, and 4, col. 4, lines 66-67, col. 5, lines 1-3, col. 6, lines 22-65, and col. 10, lines 23-37).

Regarding claim 21, Jennings discloses the combined user agent is further adapted to communicate selections made by the caller to the automated response system (see Figs. 1, 2a, and 4, col. 4, lines 66-67, col. 5, lines 1-3, col. 6, lines 22-65, and col. 10, lines 23-37).

Regarding claim 22, Jennings discloses the combined user agent is further adapted to help set up a voice session based on a response received to the selections (see Figs. 1 and 2a, col. 4, lines 66-67, col. 5, lines 1-3, and col. 6, lines 22-65).

Regarding claim 23, Jennings discloses a telephone associated with said combined user agent through which voice communications may be made (see Figs. 1 and 2a, col. 4, lines 66-67, col. 5, lines 1-3, and col. 6, lines 22-65).

Regarding claim 24, Jennings discloses the combined user agent is registered in a database along with an indication that the caller associated with the combined user agent is multimedia capable (see Fig. 3, col. 9, lines 6-15).

Regarding claims 25, 32, and 36, Jennings discloses a system for facilitating use of an automated attendant, comprising:

a combined user agent adapted to:

- (a) receive an indication of an incoming call from a caller (see Fig. 1, col. 4, lines 60-67, and col. 5, lines 1-7);
- (b) provide multimedia content to the caller (see Fig. 1, col. 5, lines 55-67);
- (c) receive selections from the caller based on the provided multimedia content (see Figs. 1 and 2a, col. 5, lines 55-67, and col. 6, lines 1-5).

Regarding claims 26 and 37, Jennings discloses the combined user agent is further adapted to initiate a voice connection between the caller and an extension based in part on the selections (see Fig. 2a, col. 6, lines 15-42).

Regarding claims 27 and 38, Jennings discloses the combined user agent is adapted to provide multimedia content to the caller through the caller's combined user agent (see Figs. 1 and 2a, col. 5, lines 55-67, and col. 6, lines 1-5).

Regarding claims 28 and 39, Jennings discloses the combined user agent is adapted to receive selections from the caller through the caller's combined user agent (see Figs. 1 and 2a, col. 5, lines 55-67; and col. 6, lines 1-5).

Regarding claims 29 and 40, Jennings discloses the combined user agent is further adapted to make a voice connection between the caller and an extension based on said selection (see Fig. 2a, col. 6, lines 15-42).

Regarding claims 30 and 41, Jennings discloses the combined user agent searches a database to determine if the caller is capable of supporting multimedia sessions (see Fig. 3, col. 9, lines 6-15).

Regarding claims 31, 33, 34, and 42, Jennings discloses the combined user agent is further adapted to support concurrent voice and multimedia sessions between the caller and the automated attendant (see Fig. 4, col. 10, lines 23-37).

Regarding claim 35, Jennings discloses the combined user agent is further adapted to support concurrent voice and multimedia sessions such that the caller may make selections in either the voice or the multimedia sessions (see Fig. 1, col. 5, line 16-35).

4. Claims 10-15, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,449,260 (hereinafter referred as "Sassin").

Regarding claim 10, Sassin discloses a method of placing a call, comprising:

- (a) providing an address for an automated response system (see Fig. 1, col. 3, lines 20-24);
- (b) receiving multimedia content from the automated response system relating to options for the automated response system (see Fig. 1, col. 3, lines 25-67).

Regarding claim 11, Sassin discloses receiving multimedia content comprises receiving multimedia content on a computer (see Fig. 1, col. 3, lines 56-67).

Regarding claim 12, Sassin discloses receiving multimedia content comprises receiving multimedia content from the automated response system relating to options from which selections may be made for the automated response system (see Fig. 1, col. 3, lines 20-55).

Regarding claim 13, Sassin discloses making a selection based on said options (see Fig. 1, col. 3, lines 20-55).

Regarding claim 14, Sassin discloses being connected with a voice connection to an extension based on said selection (see Fig. 1, col. 3, lines 20-55).

Regarding claim 15, Sassin discloses receiving multimedia content comprises receiving multimedia content through one or more combined user agents (see Fig. 1, col. 3, lines 20-55).

Regarding claim 18, Sassin discloses providing audible selections to prompts from the automated response system (see Fig. 1, col. 3, lines 20-24).

Regarding claim 19, Sassin discloses making non-audible selections based on the multimedia content (see Fig. 1, col. 3, lines 33-38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,449,260 (hereinafter referred as "Sassin") in view of US Patent 7,218,722 (hereinafter referred as "Turner").

Regarding claims 16 and 17, Sassin does not disclose selecting an entry and receiving a searchable directory. However, Turner discloses selecting an entry and receiving a searchable directory (see Figs. 1-3, abstract, col. 6, lines 28-35, 50-67, col. 8, lines 30-44). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the searchable directory teaching by Turner with Sassin. The motivation for doing so would have been to provide to determine an optimum route to establish the telephone call read on abstract. Therefore, it would have been obvious to combine Turner and Sassin to obtain the invention as specified in the claims 16 and 17.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: August 9, 2007

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**

Notice of References Cited

Application/Control No.

10/262,288

Applicant(s)/Patent Under

Reexamination

SYLVAIN, DANY

Examiner

Phirin Sam

Art Unit

2616

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,218,722	05-2007	Turner et al.	379/221.02
*	B	US-6,449,260	09-2002	Sassin et al.	370/270
*	C	US-6,430,174	08-2002	Jennings et al.	370/352
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.